

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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AMTRAK WORKER FATALITY *

BOWIE, MARYLAND * Accident No.: RRD18FR006

APRIL 24, 2018 *

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Interview of: ROBERT ALBRECHT

Bowie, Maryland

Wednesday,
April 25, 2018

APPEARANCES:

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National Transportation Safety Board

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TYRONE NELSON, Vice Chairman
BMWED

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I N T E R V I E W

(1:30 p.m.)

MR. PAYAN: All right. My name is Ruben Payan. I am the investigator for this accident, one of the investigators. Today is April 25th, 2018. We are in Bowie, Maryland interviewing one of the trackmen in connection with an accident that occurred at milepost 119.2 on April 24th, 2018. The NTSB accident number is RRD18FR006.

This interview is going to be recorded. We are going to send it out to get transcribe and you will get a chance to review it and make sure we -- any corrections you find you can let us know about it.

And so, I'm going to go around the room and have everybody introduce themselves. Like I said, my name is Ruben Payan, P-a-y-a-n.

Mr. Stearn.

MR. STEARN: Steve Stearn, S-t-e-a-r-n, with the Brotherhood of Maintenance of Way Employees.

MS. LEESE: Kristin Leese, L-e-e-s-e, Director of Safety for Engineering for Amtrak.

MR. TOMASSONE: Lou Tomassone, T-o-m-a-s-s-o-n-e. I'm the Deputy Regional Administrator for the FRA.

DR. HOEPF: Mike Hoepf, H-o-e-p-f, with the NTSB.

MR. FIELDS: Carl Fields, F-i-e-l-d-s, Brotherhood of Locomotive Engineers and Trainmen.

1 MR. PAYAN: Okay. Mr. Nelson, one more time.

2 MR. NELSON: Tyrone Nelson, N-e-l-s-o-n, Vice Chairman BMWED.

3 MR. PAYAN: All right, thank you very much.

4 INTERVIEW OF ROBERT ALBRECHT

5 BY MR. PAYAN:

6 Q. Mr. Albrecht, correct?

7 A. Yes, sir.

8 Q. Mr. Albrecht, I'm going to start the interview by asking you
9 to kind of walk us through the day yesterday from the time you got
10 up, what time you showed up for work and kind of walk us through
11 the day. If you have some times, as much as possible to the best
12 of your recollection.

13 A. I woke up at 5:00, got ready for the day, got downstairs. We
14 all started loading up on the bus around 5:55. We have a 6:00
15 start. I guess we pulled out about 6:10 in the morning. Went to
16 Wawa. I don't know what time we got there. Everybody got their
17 breakfast and their lunch for the day. Went to the jobsite. I
18 don't know any -- really what times after this.
19 Had our briefing then we just -- we went out on to

20 Q. Okay. And where were you located?

21 A. I was the middle watchman between the platform and Luke.

22 Q. Okay. Stationed near -- were you positioned near a catenary
23 pole?

24 A. Yes.

25 Q. Okay. And let me back up a little bit. The job briefing

1 what did that entail, any special instructions or --

2 A. Nothing out of the ordinary.

3 Q. Okay. And what was the job going to be that day?

4 A. If I remember correctly just cutting and stretching rail.

5 Replacing pads, clips.

6 Q. Okay. And were you part of the decision to -- of how many
7 watchmen were going to be used or any of that discussion?

8 A. No.

9 Q. Okay. Did you volunteer or were you --

10 A. Yes. I volunteered.

11 Q. Okay. And you were assigned the middle position?

12 A. Yes, sir.

13 Q. Okay. Did you at all -- is that your -- the one place you
14 stayed at all the time, were you moving around or anything?

15 A. No. I stayed right by that cat pole.

16 Q. Okay. And then can you kind of walk us through when the
17 trains started arriving?

18 A. I mean everybody was just, you know, he would see the train
19 15 seconds or more out. You'd blow your whistle and raise your
20 banner and wait for the trains to go by and --

21 Q. Okay. Then how about the accident trains?

22 A. Okay. So, we had one coming southbound. So, we put his
23 banner up, hit his horn. I looked. I saw it. I put my banner
24 up, hit my horn. Looked back up or down south, make sure he put
25 his banner up, hit his horn. He did. I looked back right. I

1 looked back left again and that's when I saw this train coming. I
2 kind of stepped back a little bit because it kind of caught me off
3 guard too because I didn't hear another horn blow to alert me.
4 And I looked back right and I saw where he was standing and I just
5 started freaking out. Laying on the horn, waving and that's kind
6 of it.

7 Q. Did he ever -- did you see him acknowledge?

8 A. No. He never once --

9 Q. Okay.

10 A. -- looked back or anything.

11 Q. Okay. So, going back a little bit, you said you saw him
12 where he was standing.

13 A. Yes.

14 Q. Where was that?

15 A. From what I saw it looked like his foot was on the tie up
16 against the rail and he was like leaning in a little bit looking
17 northbound.

18 Q. Okay. Well, was that the position he was in when he got to
19 that location or did he step up to it for the trains or --

20 A. He was stepping up to it for the trains.

21 Q. Okay.

22 A. To see.

23 Q. And before that did you see where he was at?

24 A. No. It looked like he was down maybe a little bit down the
25 bank.

1 Q. Uh-huh.

2 A. Because I mean I had to do the same thing. I had to stand
3 halfway down the bank to stay out of bound the track.

4 Q. Okay. And from that position could you see -- could you see
5 him when you were down on the ballast a little bit --

6 A. Yes.

7 Q. -- you could see him?

8 A. I could still see him, yes.

9 Q. Okay. And could you see the first watchman?

10 A. Yes.

11 Q. I guess on the south, right?

12 A. Yes. Yes. I could.

13 Q. Okay. And how about spotting trains, can you see?

14 A. It was a little harder.

15 Q. Uh-huh.

16 A. But, yes, I could still see.

17 Q. Okay. So, as the middle watchman or being in the middle
18 between two watchmen, are you mostly looking down the track or are
19 you kind of taking your cues off the watchman next to you?

20 A. I do both.

21 Q. Both?

22 A. Each time I turn my head I look at the track then the
23 watchman.

24 Q. Okay. So, now, I think earlier someone mentioned that Luke
25 didn't start at that location. He was with -- moving around with

1 the welders?

2 A. If I'm not mistaken I don't think the welders moved, but I
3 know I'm not paying attention really to them. I'm watching for
4 trains.

5 Q. Okay. So, as far as you remember?

6 A. I don't think the welders moved locations.

7 Q. And Luke was at the location --

8 A. Yes. He was the gang watchman.

9 Q. Okay.

10 MR. PAYAN: All right. I'm going to open it up to questions.
11 FRA?

12 BY MR. TOMASSONE:

13 Q. So, for the most part you were standing by the cat pole
14 outside of the (indiscernible) --

15 A. Yes.

16 Q. -- or 401 track?

17 A. Yes.

18 Q. Were there any trains prior to the MARC southbound train on
19 any track from the time you to in the position until the time of
20 the accident?

21 A. Yes.

22 Q. There was another train?

23 A. You're saying -- maybe I just don't understand.

24 Q. Sure. So, you have the MARC southbound --

25 A. Right. Was coming south.

1 Q. -- and then, you know, their northbound you saw.

2 A. Right.

3 Q. Prior to those two trains were there any other trains between
4 that time and the time that you started as a watchman?

5 A. Yeah. Commuter rail, trains going up and down all day.

6 Q. Okay.

7 A. Yeah. There were definitely some trains going by prior to
8 that.

9 Q. And any idea on a number?

10 A. Oh, no.

11 Q. No.

12 A. Maybe four, maybe. Don't hold me to that.

13 Q. Sure. I'm not.

14 A. I'm not sure.

15 Q. I'm not holding you to that.

16 MR. TOMSSONE: I'll hold the rest of them for the second
17 round.

18 MR. PAYAN: Okay. Very good. Amtrak?

19 BY MS. LEESE:

20 Q. Okay. I was going to ask the same questions. So, there were
21 other trains prior to the two?

22 A. Yes.

23 Q. Do you recall if any of them were northbound?

24 A. I don't. Maybe one.

25 Q. Okay.

1 A. Maybe.

2 Q. So, if there was no issue with Luke --

3 A. No. Not at that.

4 Q. -- appearing in the yard or acknowledging from your side of
5 it (indiscernible)?

6 A. No, ma'am. No.

7 Q. Okay. So, talking about your placement as far as -- well, we
8 know Luke was standing at the time up on the edge of the tie.

9 A. Right.

10 Q. Did you -- you said you are most often standing kind of
11 halfway down that mound ballast --

12 A. Trying.

13 Q. Trying?

14 A. Right.

15 Q. So, when you were down there, you were outside of the foul?

16 A. Right.

17 Q. And you were still able to see two watchmen --

18 A. You could, but I didn't feel as comfortable standing there.

19 Q. Okay.

20 A. Because of my line of sight.

21 Q. Okay. So, typically, like I know in this situation, you
22 know, we've gone over it a double bubble --

23 A. Right.

24 Q. -- but the two trains back to back. So, let's say you're
25 standing a little higher up and you have that first horn and you

1 step back to get out of the way. How would you know when it was
2 safe to go kind of, you know, you don't want to stick your head
3 out?

4 A. Right.

5 Q. How would you know how to kind of resume your duties or?

6 A. Just kind of I guess look and pray. It's hard to see some
7 places --

8 Q. Yeah.

9 A. -- and you don't have a choice. You have to stand there
10 because that's where we need the guys. I guess at that location I
11 could see a little better --

12 Q. Uh-huh.

13 A. -- both ways, halfway down, so I would look to my left
14 because that's where the trains generally that day were coming
15 from northbound. I would look to my left, if I didn't see any I
16 would slowly start walking up and keep watching both ways. And
17 then watch Luke and when he would put his banner down I did too.
18 And then check to make sure southbound did -- sorry. The guy
19 south of me did.

20 Q. So, you had mentioned also that when the train, the second
21 train came that it kind of caught you off guard.

22 A. Right.

23 Q. Was that -- was it a lot happening at once with the two
24 trains or was it that you didn't hear to the left --

25 A. I didn't hear the southbound guy blow his horn to alert me

1 that there was one coming. I know we already had blown the horns
2 for the one going south.

3 Q. Uh-huh.

4 A. But I never heard another horn being blown: hey, there's
5 something else going on, look.

6 Q. Yeah.

7 A. I never heard anything else.

8 Q. Okay. So, what -- because you're the first person we've
9 spoken to that was actual watching that day. Can you just walk us
10 through like when you had that double bubble situation how -- like
11 how would it typically play out so that way you guys know and the
12 gang knows there is a second train? I mean how, you know, who
13 starts off and kind of what's the progression from going from no
14 trains to now we have had two pass, as far as the watchmen?

15 A. I guess it's whoever has the train go by last. So, if north
16 bound's train went by last then we are going to go off of him to
17 start lower banners.

18 Q. Okay.

19 A. And I mean if the southbound guy didn't feel safe, then, you
20 know, I guess he would keep it up.

21 Q. Okay.

22 A. This is really the first gang I'm experiencing double bubbles
23 with.

24 Q. Oh, okay.

25 A. Where I was previous we would have two tracks shut down and

1 only one line.

2 Q. How long have you been with this group?

3 A. This group 2 days.

4 Q. Oh, wow. Okay. Who were you with before?

5 A. Well -- sorry, this group 2 days after I just came back. I
6 was with them for a month-and-a-half maybe two prior, when they
7 were in Northeast and Newark/Delaware. Prior to that I was with
8 Y112 the clip in up in Hunter Yard, Edison, Bensalem.

9 MS. LEESE: That's all I have right now.

10 MR. PAYAN: Okay. Thank you.

11 Mr. Stearn?

12 BY MR. STEARN:

13 Q. Steve Stearn, Maintenance of Way. Oh, wow, so your
14 visibility to the watchman on the platform, good?

15 A. It was okay. It was fair.

16 Q. Fair is not quite --

17 A. Right. I understand that. I could see what he was doing,
18 yes. Absolutely. If that's your question. A lot of colors in
19 the background also. So, that vest wasn't standing out as good as
20 if I'm standing along a brown background, you know.

21 Q. Okay. Other northbound that day you said maybe you're not
22 sure of what, I mean I guess it's not fair then to ask you: did
23 you get like warning from the platform watchman for those men?

24 A. Oh, absolutely. Because I had watched also beforehand there.
25 But this day, yeah, I do remember of at least one. And I did get

1 sufficient warning from him for that at least one northbound train
2 that I remember of. So --

3 Q. That -- your location, that bank --

4 A. Uh-huh.

5 Q. -- that ballast you're standing on not very comfortable
6 footing?

7 A. No. Not at all.

8 Q. And stepping -- were you by a cat pole?

9 A. Yes.

10 Q. A little better footing than it had been had you moved 10
11 feet in or whatever the cat pole?

12 A. No. No.

13 Q. Just the same uncomfortable footing?

14 A. Right. The ballast was slippery. And the hill it's going to
15 roll.

16 Q. Sure. You had a good line of sight on Luke?

17 A. Yes. Absolutely.

18 Q. Could -- how about the advance watchman to his north?

19 A. Yes.

20 Q. You could see him as well?

21 A. I think so. Yes.

22 Q. Probably not hear him but --

23 A. I couldn't hear him no. But I'm pretty sure I could see him.

24 Q. You heard Luke's horn on the southbound, on the MARC?

25 A. Yes, sir.

1 Q. Before you came back to the under cutty (ph.), you said --
2 you had been there before?

3 A. Yes.

4 Q. As a trackman --

5 A. Yes.

6 Q. -- performing watchman duties?

7 A. Yes.

8 Q. You're up with the clipping gang and TLM, TLS?

9 A. Yes.

10 Q. Doing some watching up there as well?

11 A. Yes.

12 Q. So, you have done some watching. It's not a new -- you
13 didn't just start this 2 days ago?

14 A. No.

15 Q. How did you get to be a watchman?

16 A. Watchman class.

17 Q. What's that about?

18 A. You go to a classroom for 6 to 8 hours. You go over a few --
19 you go over some slides. Take a test. Then you go out into the
20 field and then you're supposed to be assigned a mentor and you're
21 supposed to have 8 hours of just watching the watchman do his job.
22 Then you're supposed to have 8 hours of watching while the
23 watchman watches you. And then you're cleared.

24 Q. Who clears you?

25 A. Your watchman trainee, I guess you could, say goes to your

1 foreman, your manager, supervisor. I don't know who he goes to
2 and says, okay, he's good to go. And then they sign off on it.

3 Q. Who is watching you watch?

4 A. The watchman, the mentor.

5 Q. Another trackman?

6 A. Right.

7 Q. Who just happened to get there a couple months before you did
8 and went through the process?

9 A. Possibly.

10 Q. RWP you go to that?

11 A. Yes.

12 Q. I guess everybody on Amtrak has to go to RWP.

13 A. Right.

14 Q. Do they talk about watchman duties, watchman placements, et
15 cetera?

16 A. A little bit, little bit.

17 Q. We've talked earlier with some of the other folks about
18 whistle tests.

19 A. Right.

20 Q. What can you tell me about a whistle test?

21 A. You're supposed to perform a whistle test we make sure you
22 can hear each other before you start the day.

23 Q. Why?

24 A. I guess in case the horn fails you have your whistle as a
25 back up and then you can still alert everybody that there's a

1 train coming instead of trying to scream over top of machines.

2 Q. Okay. So, all the watchmen are equipped with horns but these
3 horns may fail.

4 A. There is always that possibility.

5 Q. Freeze up?

6 A. Right. Anything mechanical can fail.

7 Q. So, you use the whistle as a backup?

8 A. Yes.

9 Q. And so, then what -- will you go out there and test our
10 whistles or whistle test?

11 A. Right. You make sure you can hear each other like the next
12 person down the line you can hear each other.

13 Q. Was that done?

14 A. I do not think so.

15 Q. Is that something that's sometimes done, sometimes not?

16 A. It's generally always done.

17 Q. Are whistle tests part of your watchman training?

18 A. Yes, sir.

19 Q. And RWP?

20 A. Yes, sir.

21 Q. Noisy environment there at your location where you were
22 posted?

23 A. Not all the time, you know, machines going back and forth.
24 Clipper moving. It wasn't always as noisy as it maybe in Luke's
25 scenario standing in front of the welder them cutting the rail.

1 Q. He was probably in a noisier environment from --

2 A. Correct.

3 Q. -- where you were located?

4 A. Yes.

5 Q. And we got a northbound Amtrak that you said, I don't want to
6 use the word, caught you by surprise, but like, wow, there I the
7 is.

8 A. Right.

9 Q. Any time allotted to you to try and maybe take some type of
10 emergency signaling to the engine?

11 A. No. Not in my ability that I see. From what I could recall
12 anyway about that. It kind of just came around the corner. I
13 don't even recall hearing a horn from the engineer. Like I said,
14 I looked around, peeped around the cat pole and there he was
15 coming down.

16 Q. Is there training provided to you where you provided training
17 about in the event you may have to try and stop a train in an
18 emergency?

19 A. Yes.

20 Q. You just simply didn't have time to react?

21 A. Correct.

22 Q. And you had told me earlier in a private conversation that
23 you tried to signal Luke --

24 A. Right.

25 Q. -- to no avail.

1 A. Uh-uh. I was trying to do everything I could at the moment
2 to get his attention.

3 MR. STEARN: Okay.

4 MR. PAYAN: Thank you.

5 Mr. Fields.

6 BY MR. FIELDS:

7 Q. Yeah. Carl Fields of BLE. Rob, you said that (indiscernible)
8 is known for double bubbles?

9 A. I don't know about known for them but this is my first time
10 down here and experiencing them.

11 Q. Okay. I apologize for putting that word in your mouth.

12 A. That's okay.

13 Q. Was there a double bubble scenario prior to the accident?

14 A. That day?

15 Q. That day.

16 A. I do not think so. I think that was the first one of the
17 day.

18 Q. Did you have a chance to talk with Luke the morning of,
19 yesterday?

20 A. We said good morning to each other in the hotel.

21 Q. And he seemed fine?

22 A. Yes. Absolutely.

23 MR. FIELDS: That's all I had. Thank you.

24 MR. PAYAN: All right. Thank you.

25 Mr. Hoepf.

1 BY DR. HOEPF:

2 Q. So, I apologize. This is a little bit redundant. But if you
3 could just kind of walk us through again, just maybe a little bit
4 the detail some of the breakdown of these watchmen. So, you have
5 a job briefing.

6 A. Right.

7 Q. And then you volunteer for the watchman and then do you get a
8 couple other volunteers?

9 A. It's either you volunteer or you're told.

10 Q. Okay. Okay. So, you were the only volunteer or --

11 A. No. Usually everybody seems like on this gang volunteers.

12 Q. Okay. Okay. So, you remember the names of other guys?

13 A. Luke was the one. Kenny was the advanced. And then the
14 gentleman on the platform I do not remember his name.

15 Q. Okay. And that's okay. So, these guys they are not close
16 personal friends? I mean you're not -- don't let me put words in
17 your mouth. But I mean do you know these guys very well?

18 A. I know them from working here, yes.

19 Q. Oh, okay.

20 A. The gentleman on the platform I don't know him from working
21 here. This is only my second day working with him. Was.

22 Q. Uh-huh.

23 A. The guy Kenny, I knew him up in Clipping previous to being on
24 this gang.

25 Q. Okay. Okay.

1 A. So, I had a little longer history with him.

2 Q. Okay. So, just help me to understand a little bit about -- I
3 mean, do you have a job briefing and then they say you, you, you
4 and then, you know -- I mean do you go find the spot or does the
5 foreman --

6 A. No.

7 Q. -- he says you're going to milepost, you know --

8 A. Right. He'll say, okay, I'm going to start one guy here and
9 then I want three cat poles down, then three cat poles down.

10 Q. Okay. Okay. So, the cat poles are the --

11 A. Right. Right. Will be the markers.

12 Q. Okay. Do you think you could give me a milepost estimate of,
13 you know, kind of coming from the south of like where everybody is
14 generally or is that --

15 A. No. I don't. I remember seeing one where I was at. I just
16 remember a 1-9, I think. I don't even know if that's right. I
17 had a milepost marker right directly across from me --

18 Q. Uh-huh.

19 A. -- but I don't remember what it was.

20 Q. Okay. Okay. So, it's more about just the cat pole spacing?

21 A. Right. Right. Cat pole spacing, line of sight, hearing all
22 coming into play.

23 Q. Okay. Okay. I got you. I got you. And, again, I
24 apologize this is going to -- so Luke is -- Luke is a floater. He
25 was following the welding truck.

1 A. Right.

2 Q. And then you and the other two guys were stationary?

3 A. Yes.

4 Q. Okay. And then just -- and just again, just walk me through

5 going from the south, you know, the southernmost guy versus where

6 you are --

7 A. Right.

8 Q. -- where the four guys are?

9 A. Right. There's a gentleman on the station.

10 Q. Okay.

11 A. And then there was me I would say three cat poles up and then

12 there was Luke three cat poles up.

13 Q. Uh-huh.

14 A. And then there was Kenny was over here. If I'm not mistaken

15 he was over here on the opposite side as an advance.

16 Q. Okay. Coming from the south?

17 A. Coming from the south going north.

18 Q. Okay. So, Luke was north of you?

19 A. Yes.

20 Q. Okay. Okay. I got you. I got you. Okay. so, the train

21 was northbound coming from the south.

22 A. Right.

23 Q. You're trying to get Luke's attention.

24 A. Right.

25 Q. So, that to notify him that the train is coming around the

1 bend.

2 A. Yes. Yes.

3 Q. And there was a guy south of you who is trying to get your
4 attention --

5 A. Right.

6 Q. -- to let you know. Okay. So, he's like -- I'm just trying
7 to get, you know, get an idea how that works then. Okay. So,
8 then, you know, at the time of this accident we've got a train
9 coming that's southbound and then you know don't let me put words
10 in your mouth here, but I mean did it seem like Luke was, you
11 know, looking to the north then? Can you see him that well --

12 A. Yes.

13 Q. -- from where --

14 A. Yes. He -- when I was trying to get his attention he was
15 clearly looking north.

16 Q. Okay. Okay.

17 A. To me it looked like he was watching the southbound train.

18 Q. Okay.

19 A. So, yeah, southbound.

20 Q. Okay. So, you're seeing him watch --

21 A. Right. yes.

22 Q. -- looking north watching that southbound train.

23 A. Yes.

24 Q. And you're blowing your horn --

25 A. I'm blowing my horn and waving my banner.

1 Q. -- and waving your banner, but --

2 A. I got no response.

3 Q. But yeah. And he's up there noisy equipment (indiscernible)
4 going by --

5 A. Right.

6 Q. So possibly didn't hear your horn.

7 A. Right.

8 Q. Okay. Okay. I got you. And then is there -- and so, you
9 don't have any other way you can contact him?

10 A. No.

11 Q. Like a watchman beeper or something like that?

12 A. No.

13 Q. You have a radio?

14 A. No.

15 Q. Okay. So, there's really nothing you could do --

16 A. Right.

17 Q. -- okay, at that point, okay. The other thing I just want to
18 talk to you a little bit about, you know, so, we were up there
19 yesterday and, you know, ballast wasn't slippery and it's kind of
20 steep, you know, it drops off there.

21 A. Uh-huh.

22 Q. So, I mean, you know, I know you have already talked this,
23 but just, you know, were you just standing on the -- on like a
24 slant the entire day then or did you kind of have to like work
25 your way back up and stay high and --

1 A. Yeah. I would --

2 Q. -- then go back down --

3 A. I would never stand on the top. Never ever. But I would
4 kind of maybe one foot on the angle and maybe my last foot is
5 right there at the top but never near the top.

6 Q. Oh, okay.

7 A. As close to the top as I could get because I needed the best
8 line of sight I could see without fouling the track. Q. Okay.
9 Okay. So, I mean -- and that you said this is kind of an
10 uncomfortable --

11 A. Right.

12 Q. -- position trying to, you know, stay balanced on this stuff.

13 A. Right.

14 Q. I mean is there -- I don't know you have any coping solutions
15 to that? I mean let's make your job easier so you're not, you
16 know, --

17 A. Right. I don't know. Maybe a little platform coming off of
18 each cat pole. I don't know.

19 Q. Uh-huh.

20 A. I haven't really put too much thought into it at the moment.
21 I've got a lot of other stuff running through my head.

22 Q. Uh-huh. Sure. Yes. I get that. So, you personally you
23 don't, you know, you don't foul the track ever?

24 A. Huh-uh.

25 Q. Right.

1 A. you have to walk across the track to get to your space.
2 Q. Oh, well, yeah. But I mean, you know, --
3 A. While watching?
4 Q. Yeah.
5 A. No.
6 Q. Okay.
7 A. Absolutely not.
8 Q. Now, are you allowed to do that or is that -- is that just
9 like a personal --
10 A. Yes. That is --
11 Q. -- role, you're like, I'm not doing it?
12 A. You are allowed if that give you your line of sight. Yes.
13 But no, I will not.
14 Q. Got you.
15 A. -- because I -- yeah.
16 Q. Okay. Okay.
17 A. I was a little stuff like this.
18 Q. Yeah. It makes sense to be cautious. So, I mean is that a
19 pretty regular thing though that, you know, you see other watchmen
20 that do stand there?
21 A. No.
22 Q. Not -- no?
23 A. No.
24 Q. They typically don't foul the track when watching --
25 A. No.

1 Q. -- even though they are allowed to they just --

2 A. Correct.

3 Q. Just kind of industry knowledge is to stay out of the track?

4 A. It's dangerous.

5 Q. Yeah. Yeah. Makes sense. I mean could you see -- you know,
6 could you see Luke throughout the day? Was he, you know --

7 A. For the most part he was not.

8 Q. He was not?

9 A. Yeah, he was, you know, down a little bit.

10 Q. Yeah.

11 A. So, I didn't think anything of it. He's not fouling the
12 track, why would I say something to him.

13 Q. Right. Right. Yeah. So, if he would have been -- if you
14 would have observed him would you have gone over there and said,
15 hey --

16 A. I would not have left my post, but I would have blown the
17 horn.

18 Q. Yeah.

19 A. Got his attention, you know, I would have stopped all work if
20 I had to to get his attention to walk over there, yes.

21 Q. Uh-huh. Got you. Got you.

22 DR. HOEPF: Okay. Thanks. That's all the questions I got.

23 MR. PAYAN: All right. Well, thanks. You doing okay? You
24 need a break?

25 THE WITNESS: No, I'm good.

1 BY MR. PAYAN:

2 Q. Okay. Just some follow-up questions. You say you were there
3 2 days with this gang?

4 A. Right.

5 Q. Were you a watchman the previous day?

6 A. No.

7 Q. No. Okay. Do you know who the watchmen were?

8 A. On Monday?

9 Q. The -- yes.

10 A. No, sir. I don't remember.

11 Q. Okay. But you were there with the gang tough?

12 A. Yes.

13 Q. Okay. What was your job?

14 A. I was just helping put pads on the ties and putting slaters
15 (ph.) down.

16 Q. Okay. So, doing track work?

17 A. Yes. Yes.

18 Q. Okay. Have you ever been in a situation where you're told to
19 position yourself somewhere as a watchman and you have challenged
20 them to move you to the other side of the track or some other
21 location?

22 A. Oh, absolutely.

23 Q. So, you feel comfortable with a good faith challenge?

24 A. Oh, yeah.

25 Q. Okay. Very good.

1 MR. PAYAN: That's all I have.

2 FRA?

3 MR. TOMSSONE:

4 Q. Yeah, just a little more here. Were all the watchmen
5 together when they were placing -- when the roadway workers are
6 just placing -- or explaining where to place yourselves or your
7 positions?

8 A. I don't know if they were together. He told me were to go.

9 Q. He just came up to you --

10 A. Yeah.

11 Q. -- and specifically? Okay. Did he happen to mention
12 anything else other than three cat poles from the plat forms or
13 three cat poles from the last watchman?

14 A. No.

15 Q. Nothing else?

16 A. Uh-uh.

17 Q. Okay.

18 A. Not to my remember.

19 Q. Not that you can remember. Okay. And did you feel
20 comfortable from the time you were placed there, not physically
21 comfortable, because I understand it's uncomfortable standing on a
22 slope, but mentally did you feel comfortable in the job and --

23 A. Yes.

24 Q. -- the position you were in?

25 A. Yes.

1 Q. Okay.

2 MR. TOMSSONE: That's all I have.

3 MR. PAYAN: Thank you.

4 Amtrak.

5 BY MS. LEESE:

6 Q. So, I know we had asked you and a couple of the others. So,
7 I think you guys got to the site around 7:00 give or take --

8 A. No.

9 Q. -- and by the time you did the briefing and everything and
10 got to work probably about 8:00?

11 A. Yes. I wasn't paying attention to the time.

12 Q. Do you recall -- because I know Luke was assigned to the
13 welders and I'm to sure if they started right, you know, if
14 everyone went out at once. Do you recall if he took his post
15 about the same time the other -- you three stationary watchmen did
16 or did he come out later?

17 A. I was out there. I didn't see him. Then all of a sudden, I
18 saw him.

19 Q. Okay.

20 A. You know, so I don't know when he came out exactly. He just
21 kind of appeared.

22 Q. Okay.

23 A. So, I don't know if he was maybe down the slope, down that
24 little hill where I couldn't see him maybe getting something. I
25 don't know.

1 Q. Okay. But in -- being that he was a gang watchman --

2 A. Right.

3 Q. -- technically speaking he shouldn't have been necessary in
4 terms of you getting your message? I'm understanding that it's
5 like you three were placed.

6 A. Right.

7 Q. And then Luke was placed to go with the welders --

8 A. Right.

9 Q. -- so, you should have been -- whether he was there or not
10 you guys should have been able to communicate --

11 A. Right. So, you're saying if he wasn't there --

12 Q. Yes.

13 A. -- I should have been able to hear the next person up.

14 Q. Yes.

15 A. Correct. I should have.

16 Q. Okay.

17 A. Correct.

18 Q. And now you talked about his placement with standing on a
19 tie.

20 A. Right.

21 Q. Is that something, and you have made it very clear that you
22 wouldn't stand there, understandably so. Do you recall if it was
23 discussed at all like in the briefing? I know if you do need to
24 stand on it they'll sometimes, you know, it's covered at the
25 briefing, hey --

1 A. Right.

2 Q. -- this is how you're --

3 A. That I don't remember either. Sorry.

4 Q. No, that's okay. And then just the last thing with -- you
5 said with the whistle test.

6 A. Right.

7 Q. -- that you don't believe there was one done?

8 A. I don't believe. I don't remember doing it. I don't believe
9 we did.

10 Q. Okay.

11 A. Like I said, generally we always do.

12 Q. Who initiates that, would it be to foreman or would it be
13 just be whoever the furthest?

14 A. It's generally -- so, he would place one person. All right.
15 I'm going to walk this next guy down three cat poles and then we
16 are going to do the whistle test. And then the guy that was just
17 placed is going to blow his whistle.

18 Q. Okay.

19 A. And then if the guy previous can hear it then you're on to
20 the next.

21 Q. Okay. So, it would be sort of like incremental?

22 A. Right.

23 Q. Like he would set the first guy --

24 A. Right.

25 Q. -- and make sure the second was in?

1 A. Right.

2 Q. Okay. Okay.

3 MS. LEESE: Okay. That's all I have.

4 MR. PAYAN: All right. Thank you.

5 Mr. Stearn.

6 BY MR. STEARN:

7 Q. Steve Stearn, Maintenance of Way union.

8 So, he placed the watchman, he told me where to stand. He --
9 who is he?

10 A. Foreman, sorry.

11 Q. Foreman?

12 A. Christian --

13 Q. Gonzales?

14 A. -- Gonzales.

15 Q. Okay. Watchman on the platform.

16 A. Uh-huh.

17 Q. Were on one trackside going north. Watchman on the platform,
18 you, Luke, Kenny.

19 A. Right.

20 Q. And you say Kenny may have been on a 3-track side?

21 A. May have been. I don't know. I don't remember. I don't
22 remember if I saw him on this side -- I guess I couldn't see him
23 on this side because I couldn't -- if there was a train coming
24 anyway I wouldn't have been able to see him or going. I remember
25 after the incident I did see him on my far side on I think that

1 was 3-side.

2 Q. After?

3 A. After the incident happen.

4 Q. Yeah, okay. You guys -- let's say the welding wasn't going
5 to -- any welding work, any of that rail work, the welders weren't
6 going to work that day, or get a later start for whatever reason,
7 but you three guys were posted anyway for the rest of the
8 operation, right? And so, a watchman was placed on the platform,
9 you were placed at your location, Kenny further to the north. If
10 Luke hadn't been there --

11 A. Right.

12 Q. -- would there have been a need for another watchman?

13 A. If -- so, you're saying gentleman on the platform, then me,
14 and then the other guy. If Luke wasn't here, was he needed?

15 Q. No. If Luke wasn't there would another watchman be needed?

16 A. Oh, yes. We still needed somebody to look further up the
17 tracks.

18 Q. So, were there enough watchmen?

19 A. Yes. I think so.

20 Q. Okay.

21 MR. STEARN: Thank you.

22 MR. PAYAN: Mr. Fields.

23 MR. FIELDS: No. Thank you, though.

24 MR. PAYAN: Okay. Mr. Hoepf?

25 DR. HOEPF: I don't think I have anything else.

1 MR. PAYAN: No. Okay. I'll open it to anybody else.

2 Anybody else have anything?

3 MS. LEESE: I just have one.

4 MR. PAYAN: Amtrak.

5 BY MS. LEESE:

6 Q. So, from where you are stationed going south towards the
7 station --

8 A. Okay.

9 Q. -- where you're positioned going southwest --

10 A. Yeah, yeah.

11 Q. -- was there any equipment active that day running?

12 A. I had the clipper was going up and down. He went up and down
13 two or three times.

14 Q. Okay. So, that would have been sort of between you and the
15 first watchman?

16 A. Yes.

17 Q. Okay.

18 A. Both of them actually, two of them.

19 Q. Okay. Is that loud or --

20 A. Yeah, it's got some noise to it.

21 Q. Okay.

22 UNIDENTIFIED SPEAKER: I just thought -- sorry, I didn't mean
23 to cut you off.

24 MS. LEESE: No, I'm good.

25 BY UNIDENTIFIED SPEAKER:

1 Q. I just thought of one extra thing. We have been asking
2 everybody about safety improvement suggestions, things like that?

3 A. Uh-huh.

4 Q. You know, you have any comments on that but train speed, you
5 know, is this at all an issue?

6 A. I think it is, yeah. I think if you're coming up to a work
7 site these trains should slow the hell down a lot more than they
8 are.

9 Q. Yeah.

10 A. Yeah.

11 Q. Okay. Anything -- how about some other sort of device other
12 than an auditory warning device, would that help you to, you know,
13 contact potentially or any other suggestions or thoughts?

14 A. I don't have any suggestions, but, yeah, there definitely
15 needs to be another something, you know. Whether the train --
16 whether it's something maybe you can put on the tracks. Like the
17 train will trip a signal and maybe something goes off in your work
18 area, hey, there's a train coming. I don't know. Something.

19 Q. Like a vibrator or something?

20 A. Yeah. Something.

21 UNIDENTIFIED SPEAKER: Okay. Thanks.

22 MR. PAYAN: Okay. Anybody else, last chance.

23 One more last chance, let me jump in.

24 MR. PAYAN: Mr. Stearn.

25 BY MR. STEARN:

1 Q. Steve Stearn, Maintenance Way.
2 Hearing protection, noisy clippers running stuff like that?
3 A. Right.
4 Q. Watchmen wear hearing protection?
5 A. Not supposed to.
6 Q. Okay. You weren't?
7 A. No.
8 Q. Do you know -- would you know if Luke was?
9 A. I couldn't see that close to see if he had ear plugs in.
10 Q. Or the gentleman on the platform?
11 A. No. I couldn't see him that closely.
12 MR. STEARN: Okay, thank you.
13 THE WITNESS: Uh-huh.
14 MR. PAYAN: Okay. Nobody else? No follow-up? Okay.
15 BY MR. PAYAN:
16 Q. Before we close out I just need some boilerplate information
17 just for our report. Can you state your full name and spell your
18 last name?
19 A. Robert Lawrence Albrecht, A-l-b-r-e-c-h-t.
20 Q. Okay. And your current employer?
21 A. Amtrak.
22 Q. And your current position?
23 A. Trackman.
24 Q. Okay. And can you kind of walk us from your hire date with
25 Amtrak up to your current position and all the positions you have

1 held in between?

2 A. I started July 31st, of last year in Wilmington, Delaware. I
3 was class for 2 weeks there. Then went to Y112 Clipping up in
4 north Jersey. I basically, I think I was with them the whole time
5 if I remember correctly. Tried to go down to Bear Delaware. That
6 move was blocked by my supervisor. So, I went back up and then I
7 bid on -- no, I filled a vacancy on 222A when they were in Newark
8 as a trackman. Trackman the whole time.

9 Q. Okay.

10 A. And then I was bumped. I was kind of fed up. I took the
11 voluntary furlough. I got a phone call a week-and-a-half ago for
12 return -- random return to work. Went and did that. Wednesday or
13 Thursday picked which gang I was going to with assignments and
14 then Monday came back down here with Y222A. Here I am.

15 Q. Okay.

16 A. A trackman still.

17 Q. Very good. And for your current position can you kind of run
18 down, give us a list of certifications, railroad certifications
19 that you hold and if they are up to date?

20 A. It's watchman RWP and AMP2 and yes, they are up to date.

21 Q. Okay. Very good. When we get off the record, when we go off
22 the record I'm going to ask you for some contact information so, I
23 can get the -- once we transcribe this.

24 A. right.

25 MR. PAYAN: And if there's nothing else, thank you for coming

1 in. I appreciate your help. And it's 2:15 and we are off the
2 record.

3 (Whereupon, the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: AMTRAK WORKER FATALITY
 BOWIE, MARYLAND
 APRIL 24, 2018
 Interview of

ACCIDENT NO.: RRD18FR006

PLACE: Bowie, Maryland

DATE: April 25, 2018

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

A black rectangular redaction box covering the signature of the transcriber.

Letha J. Wheeler
Transcriber